

State of California
Department of Industrial Relations
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
for
Wednesday, December 7, 2011
10:00 a.m.
Sacramento, California
&
West Covina, California

TO: Members of the California Occupational Safety and Health Appeals Board

FROM: J. Jeffrey Mojcher, Chief Counsel

DATE: November 17, 2011

RE: Closed Session of the Board to be held on December 7, 2011

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)

1. DIAMOND RIDGE ROOFING, 10- R6D2-3604
2. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048

ORDERS OF ADMINISTRATIVE LAW JUDGES:

(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)

1. AMERICAN APPAREL (USA) LLC, 11-R6D5-0925 AND 0926
2. AMERICAN WRECKING, INC., 11-R3D3-0514 THROUGH 0517

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3. AYRES HOTEL MISSION VIEJO, 11-R3D1-0655
4. BIG ADVENTURE, 10-R4D1-3076
5. CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT 6,
11-R4D3-1018
6. CHERNISS TIRE WORLD, INC., 11-R6D5-1671
7. CITY OF CHINO HILLS, 11-R3D3-2415
8. COLLINS PACIFIC PLUMBING, INC., 11-R6D2-2447 AND 2448
9. COMMERCIAL SHEET METAL, INC. DBA CSM METAL, 10-R6D2- 3670 AND
3671
10. COOLING TOWER RESOURCES, 10-R1D5-1028
11. DE KRASSEL CONSTRUCTION, INC., 11-R4D1-0025 THROUGH 0028
12. DENNIS & WILLIAM DE LA ROSA DBA DB CONSTRUCTION CO., 11-R3D3-
2062 AND 2063
13. ELWOOD RANCH, 11-R4D3-1275
14. EMPIRE BUSINESS VENTURES DBA EMPIRE FREIGHTWAYS, 11-R3D3-2135
15. ENGINEERED FRAMING SYSTEMS, INC., 11-R3D6-1387
16. FERNANDO FLORES MARTINEZ FLC, 11-R6D5-2251
17. HAMMER & TROWEL BUILDERS, INC., 11-R4D3-1091
18. HARCON PRECISION METAL, INC., 10-R3D2-2746
19. HERNANDEZ FLOORING CONTRACTOR, 09-R3D1-3883 AND 3884
20. HIGHLAND COMMERCIAL ROOFING, 11-R4D3-0541
21. HIREL CONNECTORS, INC., 11-R3D6-1419 THROUGH 1422
22. J & B LOG STACKERS, 11-R3D5-0848 THROUGH 0850
23. JOSH GENERAL ENGINEERING, INC., 11-R4D3-0209 AND 0210
24. L. A. CITY WATER & POWER, 10-R4D1-4111

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25. ONTARIO TIRES & WHEELS, INC., 11-R6D5-2316
26. PACIFIC BELL TELEPHONE COMPANY DBA AT&T CALIFORNIA,
11-R3D2-0847
27. PACIFIC PEBBLES CORPORATION DBA LIFE DECK COATING
INSTALLATIONS, 10-R3D2-3140 AND 3141
28. PACIFIC SPLASH CO., 11-R6D2-0214 THROUGH 0218
29. PREHISTORIC, INC., 11-R3D1-0656
30. PROTECH MINERALS, INC., 11-R5D3-1658 AND 1659
31. JAVIER RAMIREZ DBA J & A CONSTRUCTION, 11-R3D6-1536 THROUGH
1540
32. RUDOLPH & SLETTEN, INC., 08-R2D1-4576
33. SAMBO, INC. DBA CENIT, 11-R6D5-1865 THROUGH 1867
34. SHAMROCK MATERIALS, INC., 10-R1D5-2362
35. STC FASHION, INC. DBA STC FASHION, 11-R6D5-2252 AND 2253
36. TASTEFUL SELECTIONS LLC, 11-R4D3-1019
37. TEG OF STAFFING COMPANIES, 11-R3D2-0707
38. VERIZON CALIFORNIA, INC. – VERIZON, 10-R3D6-3758 THROUGH 3761
39. WHITE MECHANICAL, INC., 11-R3D1-0976

ORDERS DISMISSING APPEALS:

1. BOUCHEY ROOFING, INC., 09-R2D1-0349

ORDER GRANTING LATE APPEAL:

1. BARRETT BUSINESS SERVICES, INC., 11-R2D1-2652

ORDERS DENYING LEAVE TO FILE LATE APPEALS:

1. MOHAMMED ARSHAD DBA A & Z AUTO BODY SHOP, 11-R6D7-9204

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2. TOBINWORLD, 11-R6D2-9205

PETITIONS FOR RECONSIDERATION:

(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)

1. CA. TRANSPORTATION, 08-R2D1-2173 THROUGH 2176
2. NATIONAL METAL FABRICATION, INC., 10-R6D2-3342 THROUGH 3344
3. ROUNDS LOGGING CO., 10-R2D3-0160 AND 0161
4. SAM WONG CONSTRUCTION CO., 09-R1D4-3433 AND 3434
5. SELSOR CONSTRUCTION, INC., 11-R2D5-0766 THROUGH 0768
6. SERVICE SCAFFOLDING, INC., 10-R1D1-1445

DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):

1. 99 CENTS ONLY STORES, 11-R3D3-9168
2. FLATIRON CONSTRUCTION CORP., 10-R4D1-2789
3. NATIONAL METAL FABRICATION, INC., 10-R6D2-3342 THROUGH 3344
4. SERVICE SCAFFOLD CO., INC, DBA SAFETY SERVICE SCAFFOLD, 10-R1D1-1445

MATTERS PENDING RECONSIDERATION:

(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)

1. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
2. AC TRANSIT, 08-R1D4-0135
3. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
4. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
5. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
6. ANNING-JOHNSON COMPANY, 06-R1D3-1976

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7. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221
8. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
9. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
AND 3448
10. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO.,
09-R6D2-2239 THROUGH 2241
11. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
12. C & M FARM LABOR SERVICE, INC., 11-R2D5-0050
13. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
14. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
15. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
16. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR
08-R6D5-3466 AND 3467
17. COMMERCIAL METAL FORMING, 09-R3D1-1592
18. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
19. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
20. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
21. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
22. DESIGN BUILDERS, INC., 08-R4D4-1901
23. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
24. DUININCK BROS., INC., 06-R4D3-2871
25. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
26. DUKE PACIFIC, INC., 08-R3D3-574
27. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,
09-R6D2-2325 THROUGH 2332

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28. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
29. EZ MIX, INC., 08-R4D3-1898
30. FORTUNA IRON WORKS 06-R2D3-4222
31. HB PARKCO, 07-R4D2-1730 AND 1731
32. THE HERRICK CORP., 07-R3D1-495
33. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
34. INTERPAC TECHNOLOGIES, INC., 08-R2D1-4199 AND 4200
35. JENSEN PRECAST, 05-R2D1-2377
36. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
37. L & S CONSTRUCTION, 10-R3D2-1822
38. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
39. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
40. LION RAISINS, INC., 08-R2D5-2253 AND 2254
41. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
42. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
43. MARINE TERMINALS, 08-08-R6D2-1920
44. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
45. MILLENIUM GENERATION, INC., 08-R4D3-5047
46. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
47. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
48. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
49. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
50. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864

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51. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
52. P G & E CORPORATION DBA PACIFIC GAS & ELECTRIC CO., 11-R4D3-9132
53. POUK & STEINLE, INC., 09-R3D3-0491
54. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
55. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
56. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
57. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
58. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
59. SHERWOOD MECHANICAL, INC., 08-R3D2-4690 THROUGH 4693
60. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
61. SMUD, 08-R2D1-4887 THROUGH 4889
62. SODEXO HEALTH CARE, 11-R4D1-0200 AND 0201
63. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
64. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
65. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
66. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
67. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
68. UNITED PARCEL SERVICE, 07-R3D3-3322
69. VIP MOBILE DETAILERS, INC., 11-R2D4-0705
70. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095

PENDING LITIGATION:

(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties

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may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)

SUPERIOR COURT:

1. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
2. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
3. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),
34-2007-00882192-CU-WM-GDS, (01-3261)
4. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB)
(00-440)
5. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
6. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
7. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
8. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430
(09- 9280/9281)
9. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047
(07-R5D1-3611)
10. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-
80000640 (08-R2D1-0027 THROUGH 0030)
11. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)
12. SMUD, 34-2010-80000723 (08-R2D1-4887)
13. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
14. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
15. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965
(10-0188~0191)

COURT OF APPEAL

1. JERLANE, INC., D060844 (2007-00056381) (01-4344 and 4345)

PERSONNEL:

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(Issues regarding staff)

Any matter not completed at this Closed Session may be continued to subsequent meetings.